

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 William Keck
4 Petitioner

Case No.: 3:22-cv-00031-JAD-CSD

5 v.

Scheduling Order

6 William Gittere, *et al.*,
7 Respondents

8 In this capital habeas corpus action, I have appointed counsel for the petitioner, William
9 Keck,¹ and his appointed counsel has appeared,² as has respondents' counsel.³

10 **IT IS THEREFORE ORDERED that the following schedule will govern further**
11 **proceedings in this case:**

12 **Amended Petition.** Petitioner will have 90 days from the date of this order to file an
13 amended petition for writ of habeas corpus. The setting of this deadline is not intended to extend,
14 or have any other effect regarding, any statute of limitations applicable to this action.

15 **Response to Amended Petition.** Respondents will have 90 days from the filing of an
16 amended petition to file an answer or other response to the amended petition.

17 **Reply.** Petitioner will have 60 days following the filing of an answer to file a reply.
18 Respondents will thereafter have 30 days following the filing of a reply to file a response to the
19 reply.

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22 ¹ ECF No. 4.

23 ² ECF No. 7.

³ ECF Nos. 5, 6.

1 **Briefing of Motion to Dismiss.** If respondents file a motion to dismiss, petitioner will
2 have 60 days following that filing to file a response to the motion. Respondents will thereafter
3 have 30 days to file a reply.

4 **Discovery.** If petitioner wishes to move for leave to conduct discovery, he must file a
5 motion concurrently with, but separate from, the response to respondents' motion to dismiss or
6 the reply to respondents' answer. Any motion for leave to conduct discovery filed by petitioner
7 before that time may be considered premature and may be denied without prejudice on that basis.
8 Respondents must file a response to any such motion concurrently with, but separate from, their
9 reply in support of their motion to dismiss or their response to petitioner's reply. Thereafter,
10 petitioner will have 20 days to file a reply in support of the motion for leave to conduct
11 discovery.

12 **Evidentiary Hearing.** If petitioner wishes to request an evidentiary hearing, he must file
13 a motion concurrently with, but separate from, the response to respondents' motion to dismiss or
14 the reply to respondents' answer. Any motion for an evidentiary hearing filed by petitioner
15 before that time may be considered premature and may be denied without prejudice on that basis.
16 The motion for an evidentiary hearing must specifically address why an evidentiary hearing is
17 required and must meet the requirements of 28 U.S.C. § 2254(e). The motion must state whether
18 an evidentiary hearing was held in state court, and, if so, state where the transcript is located in
19 the record. If Petitioner files a motion for an evidentiary hearing, respondents must file a

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1 response to that motion concurrently with, but separate from, their reply in support of their
2 motion to dismiss or their response to petitioner's reply. Thereafter, petitioner will have 20 days
3 to file a reply in support of the motion for an evidentiary hearing.



U.S. District Judge Jennifer A. Dorsey
Dated: February 1, 2022